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Pages: 4 (including cover sheet)

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Date: April 22, 2005

Re: Examiner Interview Summary

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Application No.: 09/864,510; Examiner: Lewis, Ralph A.; Confirmation No.: 2445; Filed: May 24, 2001; Art Unit: 3732; Title: VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD OF USE.

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PATENT
5838-00300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

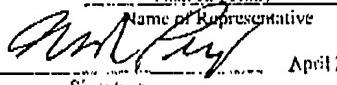
Application No.: 09/864,510
Confirmation No.: 2445
Filed: May 24, 2001
Inventor(s):
Murphy et al.

§ Examiner: R. Lewis
§ Group/Art Unit: 3732
§ Old Atty. Dkt. No.: 28122.89
§ New Atty. Dkt. No.: 5838-00300

Title: VENTRICULAR
RESTORATION SHAPING
APPARATUS AND
METHOD OF USE

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-4712 on the date shown below:


Neal E. Persky
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April 22, 2005
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXAMINER INTERVIEW SUMMARY

Applicant's undersigned attorney and Applicant's agent (Neal E. Persky, Reg. No. 53,452) conducted a phone interview with Examiner Ralph A. Lewis on April 21, 2005. In the interview, the outstanding office action (including the rejections and objections therein), the prior art, and the claims were discussed. Applicant respectfully submitted (and continues to submit) that the cited art does not render Applicant's claims unpatentable. The art discussed included the cited reference entitled "Endoventricular Patch Reconstruction in Large Ischemic Wall-Motion Abnormalities," J. Cardiac Surg. 199:14:46-52) by V. Dor et al ("Dor"). Applicant respectfully submitted (and continues to submit) that the claims are patentable over the prior art, including Dor, because such art does not teach or suggest the combinations of features in Applicant's claims.

The objections to certain claims were discussed, including claims 318 and 334. The

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Office Action objected to, for example, claims 318 and 334 as "confusingly out of order from that disclosed in the specification." Applicant respectfully disagrees with this objection. Applicant did not and does not intend to imply any specific order to the features within claims, unless a specific order is delineated/required by the language of the claims. Applicant respectfully submits that features in Applicant's claims can, in many instances, be present/Performed in different orders than the specific order of the features in the claims, without departing from the scope and spirit of the claims and the disclosure. The Examiner indicated that this objection would be withdrawn.

To expedite prosecution of the present application, the following actions were discussed:

1. Amending claims 410-421 and 423-424 to be dependent upon allowed claim 278 instead of claim 402, and
2. Canceling claims 246-253, 262-277, 286-301, 310-317, 327, 335-336, 342-371, 402-409, 422, 427-429, 431, 483, and 486-571 without prejudice.

The Examiner indicated that if the above actions were taken, then he would consider issuing a Notice of Allowance. The Examiner indicated that he would enter the above actions in an Examiner's Amendment. After such actions are taken, Applicant submits that the allowable claims would include claims 254-261, 278-285, 302-309, 318-326, 328-334, 337-341, 372-401, 410-421, 423-426, 430, 432-482, and 484-485.

In addition, the information disclosure statements filed in this case, and the submitted Forms 1449, were discussed. The recently filed "REQUEST FOR SIGNED FORMS PTO 1449" and the recently filed Information Disclosure Statement were discussed. The Examiner stated that he would consider the Information Disclosure Statement, and include signed forms PTO 1449 with the next paper issued by him in the case.

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Applicant believes that no fees are due in association with the filing of this document. If any fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5838-00300/EBM.

Respectfully submitted,

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